



Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket
November 30, 2011

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Objection of USACM
Liquidating Trust to
Proof of Claim No. 10725-01214 in the amount
of \$503,479.62 by Phillip Rulon**

Hearing Date: November 15, 2011

Hearing Time: 9:30 a.m.

The Court having considered the Objection Of USACM Liquidating Trust To Proof Of Claim No. 10725-01214 in the amount of \$503,479. 62 by Phillip Rulon [DE 9256] (the “Objection”) at the hearing held on November 15, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; Counsel for the Trust having appeared; Phillip Rulon having not appeared; and good cause now appearing:

1
2 **IT IS ORDERED:**

3 1. The Objection [DE 9256] is sustained;

4 2. Proof of Claim 10725-01214 filed by Phillip Rulon is based in part upon a
5 \$25,000 inwestment in the SVRP 2.325 loan. That portion of the claim is 20% allowed
6 (\$5,000) and 80% disallowed (\$20,000);

7 3. Proof of Claim 10725-01214 will not be affected to the extent that it is based
8 upon investments in loans other than the SVRB 2.325 Loan; and

9 4. It will not affect Phillip Rulon's ability to collect from the Borrower on the
10 SVRB 2.325 promissory note or to receive compensation from the sale of the collateral
11 securing repayment of that promissory note.

12 PREPARED AND RESPECTFULLY SUBMITTED BY

13 **LEWIS AND ROCA LLP**

14 By /s/ John Hinderaker (AZ #0180

15 Robert M. Charles, Jr.

16 John Hinderaker (*pro hac vice*)

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21 *Attorneys for USACM Liquidating Trust*

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

This Court has waived the requirement set forth in LR 9021(b)(1).

xxx No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing:

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker, (AZ #018024)

Attorneys for USACM Liquidating Trust

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